

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GARY W. LIAL, *et al.*,

Plaintiffs,

vs.

BANK OF AMERICA CORPORATION, *et al.*,

Defendants.

Case No. 2:10-cv-02121-GMN-PAL

ORDER

Before the Court is Defendants' Emergency Motion to Stay Discovery (Dkt. #24), Motion for Protective Order (Dkt. #25), and Motion for Order Extending Discovery Deadline (Dkt. #26). The Defendants request a protective order staying all discovery until the court rules on pending Motions to Dismiss (Dkt. ##8, 14, 19). Defendants also request that the court extend the Discovery Plan and Scheduling Order deadlines established the court's Discovery Plan and Scheduling Order (Dkt. #23), which establish a June 6, 2011 discovery cutoff. Defendants assert that if the pending motions to dismiss in this wrongful foreclosure case are meritorious, and that a number of judges in this district have granted similar motions to dismiss in a number of similar cases filed in this district. Defendants also argue that the motion to dismiss raises of issues of law, making a protective order particularly appropriate. Finally, Defendants assert a stay of discovery will not prejudice Plaintiffs because no foreclosure has occurred, there is no foreclosure sale pending, and "the current status quo allows Plaintiffs to remain in the Property even in the absence of making mortgage payments." Defendants represent they do not have plans to foreclose on the property prior to the court ruling on the motion to dismiss. Defendants also ask that the Discovery Plan and Scheduling Order deadlines be extended because they have not yet answered the complaint or asserted counterclaims, and will need to conduct appropriate discovery if the motions to dismiss are not granted.


1 Having reviewed and considered the matter,

2 **IT IS ORDERED** that:

- 3 1. Plaintiffs shall have until **June 14, 2011**, to file a response.
- 4 2. Defendants shall have until **June 21, 2011**, in which to file a reply.
- 5 3. A temporary stay and protective order is entered while the court reviews the Plaintiffs'
- 6 response, Defendants reply, and enters a written order deciding the motion.

7 Dated this 1st day of June, 2011.

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10 Peggy A. Leen
11 United States Magistrate Judge

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